

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SHARON GRIFFIN,

Plaintiff,

V.

Federal Emergency Management
Agency, William B. Long, Administrator
Of the Federal Emergency Management
Agency

Defendants.

CIVIL NO. 4:18-cv-003925

Defendants’ Unopposed Motion to Modify the Scheduling Order and Extend the Motions and Discovery Deadlines

The defendants, the National Flood Insurance Program, Peter T. Gaynor in his Official Capacity as Acting Administrator of the Federal Emergency Management Agency, (Defendants),¹ in accordance with Rules 6(b)(1)(A) and 16(b)(4) of the Federal Rules of Civil Procedure, respectfully move the Court to extend the discovery deadline from February 15, 2020, to April 14, 2020, the dispositive and non-dispositive motions deadlines from March 30, 2020 to May 30, 2020, the Joint Pretrial Order and Motions in Limine deadlines from June 22,

1 In its Complaint, Plaintiff named Brock Long as Defendant because Mr. Long was the Administrator of FEMA when Plaintiff filed suit. However, Mr. Long has since left that position and Peter T. Gaynor became the Acting Administrator of FEMA on March 8, 2019. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Acting Administrator Gaynor is automatically substituted for former Administrator Long.

2020 to August 22, 2020, and trial be extended from June 29, 2020 to August 2020. The following discussion supports this motion.

1) Plaintiff filed this lawsuit against the Defendants for breach of contract under the National Flood Insurance Act. *Docket Entry 1*. Plaintiff seeks additional insurance monies under their Standard Flood Insurance Policy for alleged damage that occurred to their property as a result of Hurricane Harvey.

2) On June 06, 2019, the Court entered an order giving the parties until February 15, 2020 to complete discovery, March 30, 2020 to file dispositive motions and non-dispositive motions, June 22, 2020 for the joint pretrial order, and trial on June 29, 2020. *Docket Entry 20*.

3) The parties have cooperated with each other throughout this litigation and have exchanged written discovery, designated experts, and exchanged expert reports. However, the parties have been unable to schedule the Plaintiff's deposition and the depositions of Plaintiff's experts. This is due to conflicts and schedules of the Plaintiff's expert witnesses.

4) Accordingly, the parties are requesting that the discovery deadline be extended from February 15, 2020, to April 14, 2020; that the dispositive and non-dispositive motions deadline be extended from March 30, 2020 to May 30, 2020 to accommodate the extended discovery deadline; the Joint Pretrial Order and Motions in Limine deadline be extended from June 22, 2020 to August 22,

2020, and that Trial be moved from June 29, 2020 to August 2020.

5) Although the granting of this motion will delay the June 2020 trial setting, Defendants file this motion to increase the parties' chances of resolving this lawsuit short of trial and not for purposes of delay.

6) Defendants believe that they have shown good cause for the granting of this unopposed motion. *Fed. R. Civ. P. 6(b)(1)(A) and 16(b)(4)*.

Therefore, Defendants respectfully move the Court to grant this motion, and extend the Discovery deadline to April 14, 2020, the Dispositive and Non-dispositive motions deadline to May 30, 2020, the Joint Pretrial Order and Motions in Limine deadline to August 22, 2020 and Trial to August 2020.

Respectfully submitted,

Ryan K. Patrick
United States Attorney

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Attorney for the Defendants

Certificate of Conference

On February 04, 2020 Martin Bienstock, Shane Patrick Welch and Shane A. McClelland, Plaintiff's counsel, were emailed requesting consent to modify the deadlines and have consented by phone conference on February 11, 2020.

/s/ Michael McMullen
Michael McMullen
Special Assistant United States Attorney
FEMA Trial Attorney

Certificate of Service

This certifies that all counsel of record have been served with this pleading through the Court's ECF system on February 13, 2020.

/s/Catherine J. Malycke

Special Assistant United States Attorney
FEMA Trial Attorney